

SECOND REGULAR SESSION

HOUSE BILL NO. 1631

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BYRD, HANAWAY, SECREST, CRAWFORD,
HUNTER (Co-sponsors), BEHNEN, OSTMANN, DEMPSEY, MOORE, LUETKEMEYER, HENDERSON,
KING, ROBIRDS, CROWELL, CIERPIOT, FROELKER, PHILLIPS, COOPER, BEARDEN, RECTOR,
HOLAND, KELLEY (47), CUNNINGHAM, BERKSTRESSER, QUINN, SHOEMAKER (8), BALLARD,
ROARK AND HENDRICKSON.

Read 1st time January 24, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3604L.02I

AN ACT

To repeal section 33.103, RSMo, and to enact in lieu thereof one new section relating to deductions from state employee compensation.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 33.103, RSMo, is repealed and one new section enacted in lieu
2 thereof, to be known as section 33.103, to read as follows:

33.103. 1. Whenever the employees of any state department, division or agency establish
2 any voluntary retirement plan, or participate in any group hospital service plan, group life
3 insurance plan, medical service plan or other such plan, or if they are members of an employee
4 collective bargaining organization, or if they participate in a group plan for uniform rental, the
5 commissioner of administration may deduct from such employees' compensation warrants the
6 amount necessary for each employee's participation in the plan or collective bargaining dues,
7 provided that such dues deductions shall be made only from those individuals agreeing to such
8 deductions. Before such deductions are made, the person in charge of the department, division
9 or agency shall file with the commissioner of administration an authorization showing the names
10 of participating employees, the amount to be deducted from each such employee's compensation,
11 and the agent authorized to receive the deducted amounts. The amount deducted shall be paid
12 to the authorized agent in the amount of the total deductions by a warrant issued as provided by
13 law.

14 2. The commissioner of administration may, in the same manner, deduct from any state
15 employee's compensation warrant:

16 (1) Any amount authorized by the employee for the purchase of shares in a state

17 employees' credit union in Missouri;

18 (2) Any amount authorized by the employee for contribution to a fund resulting from a
19 united, joint community-wide solicitation or to a fund resulting from a nationwide solicitation
20 by charities rendering services or otherwise fulfilling charitable purposes if the fund is
21 administered in a manner requiring public accountability and public participation in policy
22 decisions;

23 (3) Any amount **specifically and personally** authorized by the employee for the payment
24 of dues in an employee association;

25 (4) Any amount determined to be owed by the employee to the state in accordance with
26 guidelines established by the commissioner of administration which shall include notice to the
27 employee and an appeal process;

28 (5) Any amount voluntarily assigned by the employee for payment of child support
29 obligations determined pursuant to chapter 452 or 454, RSMo; and

30 (6) Any amount authorized by the employee for contributions to any "qualified state
31 tuition program" pursuant to Section 529 of the Internal Revenue Code of 1986, as amended,
32 sponsored by the state of Missouri.

33 3. The commissioner of administration may establish a cafeteria plan in accordance with
34 Section 125 of Title 26 United States Code for state employees. The commissioner of
35 administration must file a written plan document to be filed in accordance with chapter 536,
36 RSMo. Employees must be furnished with a summary plan description one hundred twenty days
37 prior to the effective date of the plan. In connection with such plans, the commissioner may:

38 (1) Include as an option in the plan any employee benefit, otherwise available to state
39 employees, administered by a statutorily created retirement system;

40 (2) Provide and administer, or select companies on the basis of competitive bids or
41 proposals to provide or administer, any group insurance, or other plan which may be included
42 as part of a cafeteria plan, provided such plan is not duplicative of any other plan, otherwise
43 available to state employees, administered by a statutorily created retirement system; and

44 (3) Reduce each participating employee's compensation warrant by the amount necessary
45 for each employee's participation in the cafeteria plan, provided that such salary reduction shall
46 be made only with respect to those individuals agreeing to such reduction. No such reduction
47 in salary for the purpose of participation in a cafeteria plan shall have the effect of reducing the
48 compensation amount used in calculating the state employee's retirement benefit under a
49 statutorily created retirement system or reducing the compensation amount used in calculating
50 the state employee's compensation or wages for purposes of any workers' compensation claim
51 governed by chapter 287, RSMo.

52 4. Employees may authorize deductions as provided in this section in writing or by

53 electronic enrollment.

54 **5. Except for deductions authorized in subdivisions (4) and (5) of subsection 2 of**
55 **this section, no deductions shall be made from any state employee's compensation warrant**
56 **unless ordered by a court of competent jurisdiction or unless specifically authorized in**
57 **writing by such employee. Receipt of benefits from or participation in a collective**
58 **bargaining organization shall not constitute an authorization for a deduction unless the**
59 **specific employee personally executes a written authorization for such deduction.**

60 **6. No state department, official, division, or agency shall enter into any agreement**
61 **that requires any state employee to make a contribution, deduction, payment of fair**
62 **representation fee, or any other payment to a collective bargaining organization.**